

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: AETNA UCR LITIGATION,

: MDL No. 2020

This Document Relates To: ALL CASES

: Master File No. 07-cv-3541 (FSH) (PS)

: **ORDER**

: Date: May 9, 2011

HOCHBERG, District Judge

This matter comes before the Court upon the informal motion of plaintiffs to stay all claims on behalf of the individual medical providers and provider associations who are subject to an injunction issued by the Honorable Federico Moreno in *In re Managed Care Litigation*, No. 00-MDL-1334, Docket Entry 6189, (S.D. Fla. Mar. 8, 2011) (the “Enjoined Plaintiffs”). The injunction issued by Judge Moreno bars certain claims asserted in this action based on a settlement agreement (the “Managed Care Settlement”) between Aetna and a class of provider plaintiffs in *In re Managed Care*. See *id.*, Docket Entries 2533 (S.D. Fla. Oct. 24, 2003) and 2570 (S.D. Fla. Nov. 6, 2003). Plaintiffs have indicated that in addition to issuing the injunction, Judge Moreno recently dismissed a declaratory judgment action filed by the Enjoined Plaintiffs against Aetna, in which the Enjoined Plaintiffs sought a declaration that their claims are not barred by the Managed Care Settlement. The Enjoined Plaintiffs now seek to stay all proceedings between themselves and Aetna while they seek review by the Eleventh Circuit of

Judge Moreno's rulings. The defendants object to the motion to stay and contend that the claims of the Enjoined Plaintiffs should be dismissed.

Upon consideration of the injunction issued by Judge Moreno, and the letters submitted by both plaintiffs and defendants to the Court regarding the injunction, the plaintiffs' motion is **DENIED**. All claims asserted against Aetna in this action that are subject to the injunction issued by the Honorable Federico Moreno in *In re Managed Care Litigation*, No. 00-MDL-1334, Docket Entry 6189, (S.D. Fla. Mar. 8, 2011) are **DISMISSED**. The dismissal is without prejudice to the re-filing of the claims enjoined by Judge Moreno in the event that a subsequent ruling by the Eleventh Circuit regarding either the injunction issued by Judge Moreno, or the related declaratory judgment action dismissed by Judge Moreno, establishes that the claims are not barred by the Managed Care Settlement.

IT IS SO ORDERED.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.